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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,968	06/27/2001	Herman Dietrich Dierks JR.	AUS920010389US1	3810

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EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,968

Applicant(s)

DIERKS ET AL.

Examiner

Philip J. Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 11, 13-18, 21, 23, 25-30, 33, 35 and 37-39 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 10, 12, 19, 20, 22, 24, 31, 32, 34 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

This Office Action is in response to an Amendment filed June 30, 2005. Claims 1-39 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,13,14,25,26,37,38 are rejected under 35 U.S.C. 102(e) as being anticipated by Oguchi (US 6,907,042).

As per claims 1,13,25, Oguchi discloses a method of performing a bulk read comprising:

creating a socket structure for a socket associated with a logical port, wherein the socket structure contains a socket receive buffer (see column 12, lines 26-30, where creating a socket is implied since there is a socket receive buffer available);

initiating, by a user associated with a logical port, a bulk read function having a bulk read size (see column 12, lines 31-60, where the OS implies an application layer capable of initiating a bulk read);

storing the bulk read size in a field in the socket structure (see column 13, lines 3-5, where the free space of the socket receive buffer is used to indicate the bulk read size);

determining if an amount of data in the socket receive buffer is equal to or greater than the bulk read size (see column 11, lines 33-65); and

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activating the bulk read function only when there is an amount of data in the socket receive buffer equal to or greater than the bulk read size (see column 11, lines 33-65, where the buffering threshold indicates when a bulk read function is activated).

As per claims 2,14,26, Oguchi further discloses that the user is an application associated with the logical port (see Fig. 6, [12], where application interacts with OS to set buffer size).

As per claims 3,15,27, Oguchi further discloses that the bulk read size is a size identified by the user (see column 15, lines 43-50).

As per claims 37,38, Oguchi further discloses placing the bulk read function in an inactive state if an amount of data in the socket receive buffer is not equal to or greater than the bulk read size (see column 11, lines 40-49).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6,9,11,16-18,21,23,28-30,33,35,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oguchi as applied to claims 1,13,25 above, and further in view of Spilo (US 6,182,165).

As per claims 4,16,28, although the system disclosed by Oguchi shows activating the bulk read function only when there is an amount of data in the socket receive buffer equal to or greater than the bulk read size is performed (see Oguchi column 11, lines 33-65, where the buffering threshold indicates when a bulk read function is activated), it fails to disclose executing the above mentioned function in response to setting of a flag in the socket structure.

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Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Oguchi, as evidenced by Spilo.

In an analogous art, Spilo discloses a DMA memory access that is useful in communications that employ packetized data, such as network communications, further performing the DMA access in response to the setting of a flag (see column 7, lines 19-61).

Given the teaching of Spilo, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Oguchi by setting a flag to trigger an event such as a DMA access, such as disclosed by Spilo, in order help the OS determine a conditional step.

In considering the socket structure containing the flag, it would have been obvious to place the flag in the socket structure in order to keep track of each flag between multiple socket sessions. By placing the flag in the socket, it is easier to manage each session by checking the particular socket, then to access the flag in another location.

As per claims 5,17,29, Oguchi in view of Spilo further disclose checking a state of the flag in the socket structure (placing the flag in the socket structure provides encapsulation and allows a session to be easily monitored); and

determining if an amount of data stored in the socket receive buffer is less than the bulk read size, if the flag is set (i.e. to check if a bulk read is appropriate).

As per claims 6,18,30, Oguchi in view of Spilo further disclose that if the amount of data stored in the socket receive buffer is less than the bulk read size, the bulk read function is not activated (see Oguchi column 11, lines 40-49).

As per claim 39, Oguchi in view of Spilo further disclose placing the bulk read function in an inactive state if an amount of data in the socket receive buffer is not equal to or greater than the bulk read size (see Oguchi column 11, lines 40-49).

As per claims 9,21,33, Oguchi in view of Spilo further disclose that the steps of claim 5 are performed in a Transport Control Protocol (TCP) layer (see Fig. 6 [21]).

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As per claims 11,23,35, Oguchi in view of Spilo further disclose copying an amount of data equal to the bulk read size from the socket receive buffer to an application buffer (see Fig. 6 [22] and [12]); and resetting the flag (i.e. in order to determine next time if a bulk read is necessary).

Allowable Subject Matter

5. Claims 7,8,10,12,19,20,22,24,31,32,34,36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 9/21/05



KRISNA LIM
PRIMARY EXAMINER